American Legal and Constitutional History

This class meets on Monday and Wednesday for lectures. In addition, there will be a discussion hour with the teaching assistant. You will have two mid-term examinations, a paper due on Dec. 7, and, of course, a final examination. You are expected to attend the discussion sections. Your performance in the section will help determine your grade. Obviously: no attendance, poor grade.

The basic texts are:

William Wiecek, LIBERTY UNDER LAW
Levy & Mahoney, FRAMING & RATIFICATION OF THE CONSTITUTION
Xeroxed Materials, available at Bob's Copy Center (University Square)

September 7 Introduction

September 12 The Old World and English Background, Levy, 19-35
September 14 Colonial Constitutional Development, Levy, 36-53
September 19 The American Revolution, Levy, 1-18
September 21 The Declaration and Development of Nationality, Levy 54-68
September 26 The Articles of Confederation, Levy, 69-97
September 28 The Constitution: Ideological Background, Original Intention Articles (Xerox packet); Levy, 98-111
October 3 The Constitution: The Convention and Ratification, Levy, 112-31
October 5 The Constitution: Language and Meaning, Kutler, 741-756; Levy, 333-55
October 10 The First Government, Levy, 305-32
October 12 The Supreme Court, 1789-1801, Kutler, 3-24; Wiecek, 1-32
October 17 EXAMINATION
October 19 The Marshall and Taney Courts: Judicial Power, Kutler, 25-49, 101-114; Wiecek, 32-82
October 31 Slavery and the Constitution: Fugitive Slaves: Kutler 145-149; Wiecek, 70-82
November 2 Slavery and the Constitution: The Territories and Dred Scott: Kutler, 150-160
November 7  Reconstruction: Southern Policy, Amendments, Kutler, 164-182, 192-193, 197-224; Wieck, 82-110

November 9  Reconstruction; Impeachment; New Judicial Power, Kutler, 183-191

November 14  EXAMINATION

November 16  Industrialism and the Constitution, 1865-1941, Kutler, 225-257; Wieck, 110-140

November 21  Due Process and Social Legislation, Kutler, 282-293, 309-320, 337-358

November 23  The Commerce Clause, Kutler, 264-281, 359-364

November 28  The New Deal and Constitutional Crisis, 1933-1937, Kutler, 365-386

November 30  The Court Fight: 1937, Kutler, 387-428

December 5  Freedom of Speech: A Historical Survey, Kutler, 324-336, 429-441, 472-484; Wieck, 156-195

December 7  The Civil Rights Revolution, Kutler, 548-577

December 12  Reapportionment, Kutler, 599-615

December 14  Presidential Power, Watergate, and the Constitution, Kutler, 703-728; Wieck, 140-156

December 17  Sunday, at 7:45 a.m., FINAL EXAMINATION. Someone doesn’t like us.